

This is a civil rights action brought by a state prisoner under 42 U.S.C. § 1983. On October 6, 2015, defendants served a notice of deposition on plaintiff. (ECF No. 20). The notice advised plaintiff that his deposition was scheduled for October 23, 2015. (ECF No. 30-2, PageID.85-86). On October 22, 2015, plaintiff filed a document labeled as an objection to the notice of his deposition. (ECF No. 22). He objected on religious grounds to having his deposition taken on a Friday. Defendants attempted to accommodate plaintiff and served an amended notice scheduling his deposition for Tuesday, November 10, 2015. (ECF No. 30-2, PageID.87-88). Plaintiff responded by filing an objection to the amended notice. (ECF No. 27). Plaintiff stated that he would refuse to have his deposition taken on November 10, 2015, because he felt that his mental state was “fragile” and that he might suffer a nervous breakdown under questioning. Plaintiff unilaterally refused to allow defendants to take his deposition on November 10, 2015. Plaintiff’s deposition is currently scheduled for Thursday, November 19, 2015. (ECF No. 30-4, PageID.104-05). Plaintiff elected to bring this lawsuit. He voluntarily subjected himself to all its attendant

burdens. He cannot avoid having his deposition taken. Plaintiff's motions (ECF No. 22, 27) are DENIED.

IT IS ORDERED that plaintiff must appear for his deposition on Thursday, November 19, 2015, in accordance with the Third Amended Notice of Taking Deposition. (ECF No. 30-4, PageID.104-05). Plaintiff is expressly warned that his failure to appear and participate in his deposition will likely result in Rule 37(b) sanctions, including the possible dismissal of this lawsuit with prejudice.

**IT IS SO ORDERED.**

Date: November 13, 2015

/s/ Phillip J. Green  
PHILLIP J. GREEN  
United States Magistrate Judge